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The time period for reply, if any, is set in the attached communication.

# BEFORE THE BOARD OF PATENT APPEALS
# AND INTERFERENCES

Application Number: 10/087,291
Filing Date: February 28, 2002
Appellant(s): HUA ET AL.

_____
John P. Comely
For Appellant

# EXAMINER'S ANSWER

This is in response to the appeal brief filed on April 24, 2008, appealing from the Office action mailed on March 13, 2007.

*(1)*    ***Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.


*(2)*    ***Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

The statement of the status of the claims contained in the brief is correct.


*(3)*    ***Status of Claims***

The statement of the status of the claims contained in the brief is correct.


*(4)*    ***Status of Amendments After Final***

No amendment after final has been filed.


**(5) Summary of Claimed Subject Matter**

The summary of invention contained in the brief is correct.

*(6)*     ***Grounds of rejection to be reviewed on appeal***

The appellant's statement of the issues in the brief is correct.

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over

U.S. Patent No. 6,314,398 to Junqua, et al. ("Junqua") in view of U.S. Patent No.

6,996,531 to Korall, et al. ("Korall").


### (7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.


### (8) Evidence Relied Upon

| | | |
|---|---|---|
| 6,314,398 | Junqua | 11-2001 |
| 6,996,531 | Korall et al | 06-2006 |

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

### *Claim Rejections - 35 USC § 103*

1.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.      Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Junqua et al (U.S. Patent No. 6,314,398, hereinafter, "Junqua") in view of Korall et el

(U.S. Patent No. 6,996,531, hereinafter, "Korall").

        With respect to claim 1, Junqua teaches a method of searching television

programming information (i.e., epg, electronic programming guide, col. 2, lines 5-17),

Junqua teaches, searching a database in accordance with the search query (i.e.,

searching program database, col. 3, lines 18-44, col. 6, lines 26-29), Junqua teaches

the database containing television programming information (i.e., 54, program database,

fig. 1, col. 3, lines 18-44, EPG data is stored on program database); Junqua teaches

generating search results from the searching (i.e., output on screen display, 46 in fig. 1,

col. 4, lines 23-41), Junqua teaches the search results including entries from the

database that correspond to the search query (i.e., output on screen display query output for programs, 46 in fig. 1, col. 4, lines 23-41); and, Junqua teaches sending the search results to a television receiver box  (i.e., 52, set-top decoder box, fig. 1, col. 4, lines 14-22) of the viewer via a television system (i.e., 50, TV, fig. 1) such that the search results are displayable upon a television operatively connected to the receiver box (i.e., 46, 50, fig. 1, results are displayed on TV screen, col. 3, lines 7-67 to col. 4, lines 1-55). Junqua does not explicitly disclose, receiving a telephone call from a viewer via a telephone system, generating a search query in response to the telephone call. However, Korall teaches receiving a telephone call from a viewer via a telephone system (i.e., receiving input from telephone 12 in voice form via PSTN, public switched telephone network in fig. 1, col.3, lines 47-65 and S10, S12 in fig. 2, col. 10, lines 33-39) and generating a search query in response to the telephone call (i.e., speech input by telephone is converted to text query to database, 23a, 23b, 24 in fig. 1, col. 4, lines 59-64 and S14, S16 in fig. 2, col. 10, lines 33-54). Therefore, based on Junqua in view of Korall, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to utilize the teaching of Korall to the system of Junqua in order to formulate searchable text query from telephone input for accessing database (col. 2, lines 23-43).

With respect to claim 2, Junqua does not explicitly disclose identifying the viewer from which the telephone call is received via caller ID. However, Korall teaches identifying the viewer from which the telephone call is received via caller ID (i.e.,

identifying sender of incoming call and displaying sender name, col. 9, lines 65-67 to col. 10, lines 1-3). Therefore, based on Junqua in view of Korall, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to utilize the teaching of Korall to the system of Junqua in order to identify caller's identification in telephone network system.

With respect to claim 3, Junqua does not explicitly disclose search query is at least partially generated from spoken language from the viewer which is received via the telephone system and input into a voice recognition module. However, Korall teaches search query is at least partially generated from spoken language from the viewer which is received via the telephone system and input into a voice recognition module (i.e., by speech recognition unit 23a, 23b in fig. 1, telephone voice query is converted to text query by speech recognition unit 23a, 23b in fig. 1, col. 4, lines 59-64 and S14, S16 in fig. 2, col. 10, lines 33-54). Therefore, based on Junqua in view of Korall, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to utilize the teaching of Korall to the system of Junqua in order to convert the speech or voice input to search text query input for database accessing.

With respect to claim 4, Junqua teaches only current television programming information is maintained in the database (i.e., 54, program database, fig. 1, col. 3, lines 18-44, EPG data is stored on program database).

With respect to claim 5, Junqua teaches current television programming information and a period of future television programming information are maintained in the database, (i.e., 54, program database, fig. 1, col. 3, lines 18-44, EPG data is stored on program database).

With respect to claim 6, Junqua does not explicitly disclose deactivating the search results after the telephone call has terminated such that they are no longer displayable on the television. Korall teaches deactivating the search results after the telephone call has terminated such that they are no longer displayable on the television, (i.e., automatic voice unit stops and terminates searching database, col.13, lines 49-54). Therefore, based on Junqua in view of Korall, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to utilize the teaching of Korall to the system of Junqua in order to finish database searching by converting voice input to text query searching input.

With respect to claim 7, Junqua does not explicitly disclose announcing a summary of the search results to the viewer (i.e., output, S24 in fig. 2) via the telephone system. However, Korall teaches announcing a summary of the search results to the viewer (i.e., output, S24 in fig. 2) via the telephone system (i.e., via PSTN, public switched telephone network in fig. 1, l. 4, lines 23-41), (col. 10, lines 33-54). Therefore, based on Junqua in view of Korall, it would have been obvious to a person having

ordinary skill in the art at the time of the invention was made to utilize the teaching of

Korall to the system of Junqua in order to provide search results to viewer according to

text query in telephone network system environment.


With respect to claim 8, Junqua teaches the search results include a list of

channels showing programs which match the search query (i.e., epg information is

displayed, col. 3, lines 17-31, col. 4, lines 23-41).


With respect to claim 9, Junqua teaches the viewer can selectively scroll through

the list of channels (col. 2, lines 31-42).


With respect to claim 10, Junqua teaches the viewer can select a channel from

the list of channels to view information about the program being shown on that channel

(col. 1, lines 58-66).


With respect to claim 11, Junqua teaches database in which television

programming information is maintained, see (i.e., 54, program database, fig. 1, col. 3,

lines 18-44, EPG data is stored on program database), Junqua teaches searching

means for searching database in accordance with the search query received from the

query generating means (i.e., by natural language processor, speech is converted to

text query), (i.e., 54, searching program database, col. 2, lines 5-17, col. 4, lines 14-22),

Junqua teaches the searching means generating search results which are sent to a

television receiver box of the viewer (i.e., set-top box, 52 in fig. 1) via the television system such that the search results are displayable upon a television operatively connected to the television receiver box, see (i.e., TV, 50, fig. 1, program search results are displayed on TV screen, col. 3, lines 7-67 to col. 4, lines 1-55). Junqua does not explicitly disclose, generating a search query in response to the telephone call received from a viewer via a telephone system. However, Korall teaches generating a search query in response to the telephone call (i.e., speech input by telephone is converted to text query to database, 23a, 23b, 24 in fig. 1, col. 4, lines 59-64 and S14, S16 in fig. 2, col. 10, lines 33-54) received from a viewer via a telephone system (i.e., receiving input from telephone 12 in voice form via PSTN, public switched telephone network in fig. 1, col.3, lines 47-65 and S10, S12 in fig. 2, col. 10, lines 33-39). Therefore, based on Junqua in view of Korall, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to utilize the teaching of Korall to the system of Junqua in order to formulate searchable query from telephone input for accessing database (col. 2, lines 23-43).

With respect to claim 12, Junqua teaches the query generating means includes voice recognition module that receives spoken language from the viewer and converts it into at least a portion of the search query, see (i.e., 32, by speech recognizer, fig. 1, col. 3, lines 31-67 to col. 4, lines 1-41).

With respect to claim 13, Junqua teaches current television programming information (i.e., 54, program database, fig. 1, col. 3, lines 18-44, EPG data is stored on program database).

With respect to clam 14, Junqua teaches period of future television programming information are maintained in the database, (i.e., 54, program database, fig. 1, col. 3, lines 18-44, EPG data is stored on program database).

With respect to claim 15, Junqua teaches the television system is selected from a group consisting of a digital cable television system, an analog cable television system, and a satellite television system, (col. 1, lines 17-57, col. 3, lines 7-16, col. 4, lines 23-41, col. 9, lines 1-4).

With respect to claim 16, Junqua teaches the television programming information includes abstractions of program content, (col. 3, lines 17-45).

With respect to claim 17, Junqua teaches database includes a searchable field containing identification of program types, see (col. 3, lines 17-45).

With respect to claim 18, Junqua does not explicitly disclose identification means for identifying the viewer from which a call is received. However, Korall teaches identification means for identifying the viewer from which a call is received (i.e.,

identifying sender of incoming call and displaying sender name, col. 9, lines 65-67 to col. 10, lines 1-3). Therefore, based on Junqua in view of Korall, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to utilize the teaching of Korall to the system of Junqua in order to identify caller's identification in telephone network system.

With respect to claim 19, Junqua does not explicitly disclose identification means comprises caller ID. However, Korall teaches identification means comprises caller ID (i.e., identifying sender of incoming call and displaying sender name, col. 9, lines 65-67 to col. 10, lines 1-3). Therefore, based on Junqua in view of Korall, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to utilize the teaching of Korall to the system of Junqua in order to identify caller's identification in telephone network system.

With respect to claim 20, Junqua teaches the search results include a list of channels showing programs which match the search query, see (col. 1, lines 58-66, col. 4, lines 14-22).

**(10) Response to Argument**

Applicant argued:

Korall is ***not an analogous art*** to support for the obviousness rejection for ***connection between a telephone system*** and ***a television system*** in claim 11.

And Korall does not teach or suggest, "***identifying*** the ***viewer*** from which the telephone call is received ***via caller ID***" for dependent claims 2 and 19.

However, examiner does **not** agree.

In response to applicant's argument that Korall is nonanalogous art.

Applicant claimed limitation in claim 1 recites, "(a) receiving a telephone call from a viewer via a telephone system; (b) generating a search query in response to the telephone call" and in claim 11, "A service control point connected to a telephone system".  The steps in claim 1, between (a) and (b) provide no functional link, because in order to "generate search query", it requires converting system's function from "receiving a telephone call" to "generate search query" by the claimed system, such as, the system needs a converting system from speech or audio signal to text query input, but the claimed limitation does not include the conversion from speech or audio signal to text query. Therefore, the claimed invention can be also interpreted as, for instance, "generating, "a search query" can be done by human's input by just hearing of the viewer's request over a phone". Even though, claim 11 recites "A service control point connected to a telephone system" only in preamble, it still lacks how the system links

between phone and generating query. Thus, the preamble does not have any invention weight of point. For that reason, Junqua, by itself, without Korall also, teaches user speech signal (basically telephone system uses speech signal, also) is converted to text query input and displays the query results on television (fig.1). Therefore, Junqua, by itself, and/or Korall teach the claimed limitations in claims 1 and 11 and are **analogous art** to support the obviousness rejection.

Korall teaches "*identifying* the *viewer* from which the telephone call is received *via caller ID*" for dependent claims 2 and 19 (see, display telephone number and caller name in col. 9, lines 65-67 to col. 10, lines 1-3).

## (11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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